

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA[Clear Form](#)

STEPHEN WENDELL, et al.,

CASE NO. 4:09-cv-04124-CW

Plaintiff(s),

v.

JOHNSON &amp; JOHNSON, et al.,

STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS

Defendant(s).

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

- Private ADR (please identify process and provider) \_\_\_\_\_

The parties agree to hold the ADR session by:

- the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)
- other requested deadline July 23, 2010

Dated: \_\_\_\_\_

Signatures Attached

Attorney for Plaintiff

Dated: \_\_\_\_\_

Signatures Attached

Attorney for Defendant

When filing this document in ECF, please be sure to use the appropriate ADR Docket Event, e.g., "Stipulation and Proposed Order Selecting Early Neutral Evaluation."

**[PROPOSED] ORDER**

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- Non-binding Arbitration
- Early Neutral Evaluation (ENE)
- Mediation
- Private ADR

Deadline for ADR session

- 90 days from the date of this order.
- other July 23, 2010

IT IS SO ORDERED.

12/21/09

Dated: [REDACTED]



UNITED STATES [REDACTED] JUDGE

Dated: December 10, 2009

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/s/ Kevin Haverty

Kevin Haverty (*pro hac vice*)  
WILLIAMS CUKER BEREZOVSKY  
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*Counsel for Plaintiffs*

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/s/ Traci L. Shafroth

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*Counsel for Defendant Abbott Laboratories*

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/s/ Alice Johnston

Alice Johnston (*pro hac vice*)  
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Pittsburgh, PA 15218  
*Counsel for Defendant Mylan, Inc. (f/k/a  
Mylan Laboratories, Inc.)*

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/s/ Michelle A. Childers

Michelle A. Childers  
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*Counsel for Defendants Centocor Ortho Biotech,  
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/s/ Prentiss W. Hallenbeck, Jr.

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*Counsel for Defendant Teva  
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/s/ William A. Hanssen

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*Counsel for Defendant SmithKline Beecham  
Corporation d/b/a GlaxoSmithKline*

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/s/ Thomas M. Frieder

Thomas M. Frieder  
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Two Embarcadero Center  
Suite 1800  
San Francisco, CA 94111  
*Counsel for Defendant  
Par Pharmaceutical, Inc.*

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Traci L. Shafrroth, am the ECF user whose ID and password are being used to file this STIPULATION AND PROPOSED ORDER SELECTING ADR PROCESS. In compliance with General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing: Kevin Haverty, counsel for Plaintiffs; Alice Johnston, counsel for Mylan, Inc.; Michelle A. Childers, counsel for Centocor Ortho Biotech, Inc. and Johnson & Johnson; Prentiss W. Hallenbeck, Jr, counsel for Teva Pharmaceuticals USA, Inc., Thomas M. Frieder counsel for Par Pharmaceuticals, Inc.; and William A. Hanssen, counsel for SmithKline Beecham Corporation.

/s/ Traci L. Shafrroth

**CERTIFICATE OF SERVICE**

I, Traci L. Shafroth, declare:

I am a citizen of the United States and employed in Cook County, Chicago. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Kirkland & Ellis LLP, 555 California Street, San Francisco, CA 94104. On December 10, 2009, I electronically filed the following with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered e-mail addresses in this matter, and I hereby certify that I have served the following documents or paper via U.S. mail to the non-CM/ECF participants:

**STIPULATION AND PROPOSED ORDER SELECTING ADR PROCESS**

\_\_\_\_\_  
/s/ Traci L. Shafroth  
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